

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

In re ZETIA (EZETIMIBE) ANTITRUST  
LITIGATION

MDL No. 2:18-md-2836

THIS DOCUMENT RELATES TO:  
All Direct Purchaser Actions

ORDER

This matter came before the court on August 8, 2019, for a telephone conference on Direct Purchaser Plaintiffs' Motion to Compel Wilson Sonsini Goodrich & Rosati ("Wilson Sonsini") to Produce Subpoenaed Documents. (ECF No. 286). Participating in the call were counsel for the Direct Purchaser Plaintiffs ("DPPs"), Retailer Plaintiffs, and End Payer Plaintiffs; Defendants Merck and Glenmark; and non-party Wilson Sonsini. The court heard argument from counsel and issued oral rulings on the record. This Order now confirms those rulings. After consideration of the parties' submissions, and for the reasons stated on the record, the court now GRANTS DPPs' Motion to Compel and ORDERS the following:

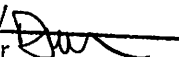
1. Wilson Sonsini shall produce documents from custodians Arthur Hoag and Dan Brown using the same search strings applied to document custodians in its initial response to DPPs' subpoena. Wilson Sonsini need not re-produce documents which it already produced in its initial

response. Wilson Sonsini may also withhold such privileged documents as it identifies.

2. Wilson Sonsini shall not be obligated to produce a privilege log for all withheld documents. Wilson Sonsini shall provide a categorical summary of privileged material it withholds from the production dictated in this Order, in a manner similar to its initial response to DPPs' subpoena. The parties are free to arrange meet-and-confers regarding ongoing privilege disputes. Should DPPs determine that a privilege log identifying individual documents is necessary, they may file such request with the court after conferring with Wilson Sonsini.
3. Wilson Sonsini shall produce to DPPs the 2010 Conflict Waiver document it executed with Glenmark.
4. Wilson Sonsini shall confer with Glenmark regarding the 2007 Retainer Agreement between those parties. If Glenmark agrees to waive its privilege claim as to that document, Wilson Sonsini shall produce such to DPPs. If Glenmark objects to its production, then Glenmark and DPPs shall meet and confer regarding the objection and schedule a brief teleconference with the undersigned if necessary to resolve its disposition.

5. All production pursuant to this Order shall be governed by and comply with the Discovery Confidentiality Order, (ECF No. 171).

SO ORDERED.

/s/   
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Douglas E. Miller  
United States Magistrate Judge  
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DOUGLAS E. MILLER  
UNITED STATES MAGISTRATE JUDGE

August 9, 2019